

**FOURTH DAY****NOON SESSION**

Senate Chamber, Olympia, January 13, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

January 12, 2005

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Office of Governor, Pardons. This report is mandated under Section 11 of Article III of the Constitution of the State of Washington.

If you have any questions about the report, please call Office of the Governor at 902-4111.

Sincerely,  
Gary Locke, Governor

The Office of Governor, Pardons is on file in the Office of the Secretary of the Senate.

**MESSAGE FROM THE SECRETARY OF STATE**

The Honorable President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington 98504

I, Sam Reed, pursuant to RCW 29A.64.061, do hereby file this amended abstract of the results for the office of Governor at the November 2, 2004 general election. This amended abstract of votes is the result of a requested statewide hand recount of the ballots cast for that office. Attached is a summary of the results as certified and transmitted by the county canvassing boards for the thirty-nine counties of the State of Washington pursuant to RCW 29A.64.061 and RCW 29A.64.070

Manual Recount Results by County  
November 2, 2004 General Election

County	Christine Gregoire	Dino Rossi	Ruth Bennett	Write Ins
Adams	1,529	3,481	81	2
Asotin	3,530	4,914	193	0
Benton	19,834	44,895	1,118	0
Chelan	10,077	18,438	532	14
Clallam	16,230	18,836	920	0

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Clark	72,828	85,924	4,123	3
Columbia	671	1,371	37	4
Cowlitz	20,204	20,045	1,094	36
Douglas	4,360	8,667	219	18
Ferry	1,278	1,900	118	3
Franklin	4,977	10,634	227	8
Garfield	428	840	25	2
Grant	7,821	17,431	535	0
Grays Harbor	13,729	13,457	575	31
Island	16,895	20,000	814	0
Jefferson	10,650	7,295	466	18
King	506,194	351,306	18,952	1,363
Kitsap	56,236	57,775	3,097	174
Kittitas	6,125	9,567	277	12
Klickitat	3,919	4,767	265	5
Lewis	10,247	20,851	757	0
Lincoln	1,850	3,686	100	0
Mason	11,797	12,519	680	0
Okanogan	6,107	9,460	468	0
Pacific	5,210	4,730	296	0
Pend Oreille	2,567	3,368	179	3
Pierce	145,431	157,905	7,255	341
San Juan	5,872	3,660	320	7
Skagit	23,250	27,219	1,264	41
Skamania	2,233	2,525	178	0
Snohomish	139,189	145,628	6,681	281
Spokane	90,581	105,584	3,881	152
Stevens	6,992	12,295	566	0
Thurston	58,970	49,426	2,575	0
Wahkiakum	993	1,099	61	6
Walla Walla	8,008	14,290	378	26
Whatcom	44,072	42,000	2,179	0
Whitman	7,722	9,365	457	10
Yakima	24,755	46,079	1,351	58
Totals	1,373,361	1,373,232	63,465	2,618

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 30<sup>th</sup> day of December, 2004.

SAM REED, Secretary of State  
(Seal)

## MESSAGE FROM SECRETARY OF STATE

The Honorable President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington 98504

CANVASS OF THE RETURNS  
OF THE GENERAL ELECTION  
HELD ON NOVEMBER 2, 2004

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 2,883,499 votes cast by the 3,514,078 registered voters of the state for and against the initiatives and referendum which were submitted to the vote of the people at the state general election held on the 2nd day of November, 2004, as received from the County Auditors.

## Initiative Measure No. 872

“Initiative Measure No. 872 concerns elections for partisan offices. This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates’ party preference. The two candidates receiving most votes advance to the general election, regardless of party.”

Yes	1,632,225
No	1,095,190

## Initiative Measure No. 884

“Initiative Measure No. 884 concerns dedicating funds designated for educational purposes. This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%.”

Yes	1,102,996
No	1,654,112

Initiative Measure No. 892

“Initiative Measure No. 892 concerns authorizing additional “electronic scratch ticket machines” to reduce property taxes. This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes.”

Yes	1,069,414
No	1,711,785

Referendum Measure No. 55

“The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools. This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.”

Yes	1,122,964
No	1,572,203

Initiative Measure No. 297

“Initiative Measure No. 297 concerns “mixed” radioactive and nonradioactive hazardous waste. This measure would add new provisions concerning “mixed” radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits.”

Yes	1,812,581
No	810,795

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 30<sup>th</sup> day of November, 2004.

(Seal)

SAM REED, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington 98504

I, Sam Reed, Secretary of the State of the state of Washington, do hereby certify that, I have canvassed the returns of the mandatory recount votes cast for the office of Governor at the state general election held on November 2, 2004, to be canvassed and verified. According to the official returns received from the County Auditors for the thirty-nine counties of the state, the full, true and correct total of votes cast for each candidate is as follows:

2004 RECOUNT RESULTS

Office	Division District	Position Name	Party	Votes
		Christine Gregoire	D	1,372,442
		Dino Rossi	R	1,372,484
		Ruth Bennett	L	63,415

2004 GOVERNOR RECOUNT RESULTS BY COUNTY

County	Christine Gregoire	Dino Rossi	Ruth Bennett
Adams	1,529	3,486	81
Asotin	3,525	4,904	193

Benton	19,831	44,890	1,118
Chelan	10,077	18,437	523
Clallam	16,226	18,832	919
Clark	72,800	85,894	4,123
Columbia	671	1,370	37
Cowlitz	20,207	20,047	1,093
Douglas	4,359	8,666	219
Ferry	1,278	1,900	118
Franklin	4,967	10,619	227
Garfield	428	840	25
Grant	7,826	17,429	535
Grays Harbor	13,719	13,449	575
Island	16,888	19,997	814
Jefferson	10,642	7,289	466
King	505,836	351,127	18,936
Kitsap	56,164	5,7693	3,090
Kittitas	6,125	9,567	277
Klickitat	3,919	4,767	265
Lewis	10,245	20,842	756
Lincoln	1,850	3,686	100
Mason	11,788	12,507	682
Okanogan	6,101	9,450	465
Pacific	5,210	4,730	295
Pend Oreille	2,567	3,366	179
Pierce	145,199	157,704	7,241
San Juan	5,872	3,660	321
Skagit	23,266	27,224	1,267
Skamania	2,232	2,522	178
Snohomish	139,070	145,553	6,852
Spokane	90,573	105,569	3,878
Stevens	6,992	12,293	566
Thurston	58,955	49,413	2,574
Wahkiakum	993	1,100	61
Walla Walla	8,006	14,277	381
Whatcom	44,056	41,978	2,177
Whitman	7,715	9,363	457
Yakima	24,735	46,044	1,351

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 30th day of November, 2004.

SAM REED, Secretary of State  
(Seal)

#### MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5087 by Senators Kohl-Welles, Schmidt, Jacobsen, Keiser, Rockefeller, Franklin, Shin, Spanel, McAuliffe and Kline

AN ACT Relating to part-time faculty of community and technical colleges; amending RCW 28B.50.4892; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5088 by Senators Stevens, Mulliken, Benson, Honeyford, Johnson and Carrell

AN ACT Relating to indication of voter abstention; and amending RCW 29A.36.111.

Referred to Committee on Government Operations & Elections.

SB 5089 by Senators Sheldon, Fraser and Kline

AN ACT Relating to reducing nuisance noise from off-road vehicles; amending RCW 46.09.120 and 46.09.190; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5090 by Senators Sheldon, Benson and Mulliken

AN ACT Relating to the privatization of liquor sales; amending RCW 66.08.026, 66.08.150, 66.08.220, 66.24.440, 66.08.050, 66.08.235, 66.04.010, 66.16.030, 66.16.040, 66.20.160, 66.20.180, and 66.24.380; adding a new chapter to Title 66 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5091 by Senators Sheldon, Morton, Benson and Mulliken

AN ACT Relating to prohibiting the assessment of fees for basic parkland access by the state parks and recreation commission; amending RCW 79A.05.070; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5092 by Senator Jacobsen

AN ACT Relating to the beginning farmers loan program; adding a new section to chapter 43.180 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5093 by Senator Jacobsen

AN ACT Relating to providing matching funds for local economic development strategic planning for agriculture; adding a new section to chapter 15.04 RCW; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5094 by Senator Jacobsen

AN ACT Relating to special assessments for conservation district activities and programs; and amending RCW 89.08.400.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5095 by Senators Doumit, Morton, Berkey, Swecker, Haugen, Mulliken, Rasmussen, Hargrove and Sheldon

AN ACT Relating to regulatory reform of the hydraulic project approval program; amending RCW 77.55.100; adding new sections to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5096 by Senators Jacobsen, Esser, Kastama, Swecker, Franklin, Kohl-Welles, Benson, Oke, Schmidt, Sheldon and Roach

AN ACT Relating to the armed forces license plate collection; amending RCW 46.16.755, 73.04.115, and 41.04.007; reenacting and amending RCW 46.16.313, 73.04.110, and 43.79A.040; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

SB 5097 by Senators Kohl-Welles, Kline, Rasmussen, Franklin, Roach and Pridemore

AN ACT Relating to apprenticeship utilization requirements on public works projects; and adding new sections to chapter 39.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5098 by Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles

AN ACT Relating to energy efficiency; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5099 by Senators Poulsen, Fraser, Kline, Kohl-Welles and Brown

AN ACT Relating to motor vehicle emissions; adding a new section to chapter 70.120 RCW; adding a new section to chapter 46.16 RCW; creating a new section; and repealing 1991 c 199 s 229 (uncodified).

Referred to Committee on Water, Energy & Environment.

SB 5100 by Senators Poulsen, Fraser, Kline and Kohl-Welles

AN ACT Relating to state greenhouse gas emissions; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5101 by Senators Poulsen, Morton, Fraser, Rockefeller, Pridemore, Regala, Hewitt, Kline, Kohl-Welles, Brown and Oke

AN ACT Relating to providing incentives to support renewable energy; adding new sections to chapter 82.16 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5102 by Senators Poulsen, Keiser and Kline

AN ACT Relating to greater enforcement in certain areas of vehicle size, weight, and load laws; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5103 by Senators Poulsen and Keiser

AN ACT Relating to galley services on Washington state ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5104 by Senators Regala, Brandland, Hargrove, Weinstein, Esser, Kohl-Welles and Oke

AN ACT Relating to the "Keep Kids Safe" license plate series; amending RCW 43.121.100; reenacting and amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5105 by Senators Swecker, Jacobsen, Kastama and Oke

AN ACT Relating to certification of entities regulated by the utilities and transportation commission under Title 81 RCW; amending RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.68 RCW; recodifying RCW 81.68.045; and declaring an emergency.

Referred to Committee on Transportation.

SB 5106 by Senators Swecker, Jacobsen, Kastama and Oke

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.

Referred to Committee on Transportation.

SB 5107 by Senators Fairley, Berkey, Parlette and Hewitt

AN ACT Relating to allowing reimbursement limits under the mobile home relocation assistance act to be set by rule; and amending RCW 59.21.021.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5108 by Senators Fraser, Berkey, Fairley and Kline

AN ACT Relating to increasing the administrative cap on the housing assistance program and the affordable housing program; and amending RCW 43.185.050 and 43.185A.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5109 by Senators Jacobsen and Kline

AN ACT Relating to a conservation futures levy; and amending RCW 84.34.230.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5110 by Senators Rockefeller and Oke

AN ACT Relating to adding an additional port district member to the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

SB 5111 by Senators Morton, Poulsen, Parlette, Roach, Schmidt, Oke, Hewitt, Zarelli, Finkbeiner, Stevens, Swecker, Deccio, Honeyford, Mulliken, Kline and Sheldon

AN ACT Relating to providing incentives to support the renewable energy industry in Washington state; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5112 by Senators Shin, Schmidt, Rockefeller, Rasmussen, Kline, Sheldon, Keiser, Doumit, Berkey, Kastama, Haugen, McAuliffe, Franklin, Johnson, Kohl-Welles, Benson and Oke

AN ACT Relating to veterans of the Afghanistan conflict and the Persian Gulf War II; amending RCW 28B.15.628; and reenacting and amending RCW 41.04.005.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5113 by Senators Shin, Rockefeller, Kline, Keiser, Rasmussen and Berkey

AN ACT Relating to allowing the department of ecology to permit by rule certain water storage facilities; and amending RCW 90.03.250.

Referred to Committee on Water, Energy & Environment.

SB 5114 by Senators Shin, Kohl-Welles, Kline, Keiser, Rasmussen and Oke

AN ACT Relating to prohibiting smoking within thirty-five feet of a public place; and amending RCW 70.160.020.

Referred to Committee on Health & Long-Term Care.

SB 5115 by Senators Shin, Rockefeller, Weinstein, Kline, Keiser, Fairley, Regala, Berkey, Haugen, McAuliffe and Rasmussen

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.37.190 and 46.63.020; reenacting and amending RCW 9.94A.515; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5116 by Senators Shin, Rasmussen, Kohl-Welles, Weinstein, Kline, Keiser, Berkey, Fairley, Regala, McAuliffe and Spanel

AN ACT Relating to skate parks; and adding a new section to chapter 67.20 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5117 by Senators Parlette, Roach, Finkbeiner, Deccio and Swecker

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5118 by Senators Parlette, Doumit, Oke and Esser

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 84.33.140, and 77.12.203; adding a new section to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5119 by Senators Parlette, Roach, Mulliken, Honeyford, Johnson, Carrell, Stevens, Oke, Deccio, Schoesler and Berkey

AN ACT Relating to requiring a review of the local government whistleblower program; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5120 by Senators Poulsen and Fraser

AN ACT Relating to management of water resources for the mainstem of the Columbia river; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5121 by Senators Keiser, Swecker, Poulsen, Schmidt and Haugen

AN ACT Relating to determining long-term air transportation needs including airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 5122 by Senators Kastama, Jacobsen, Weinstein, Rockefeller, Kline and Kohl-Welles

AN ACT Relating to nonpartisan elections for the office of secretary of state; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and adding a new section to chapter 43.07 RCW.

Referred to Committee on Government Operations & Elections.

SB 5123 by Senators Kastama, Rasmussen, Regala and Franklin

AN ACT Relating to the sale of precursor drugs; amending RCW 69.43.010 and 69.43.030; adding new sections to chapter 69.43 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5124 by Senators Kastama, Jacobsen, Rasmussen, Weinstein, Haugen, Berkey, McAuliffe, Keiser, Kline, Shin and Brown

AN ACT Relating to improving government performance and accountability; adding new sections to chapter 43.09 RCW; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 41.04 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 2.04 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5125 by Senators Kohl-Welles, Poulsen, Keiser, Franklin, Fraser, Kline and Pridemore

AN ACT Relating to soils contamination in child use areas; adding a new section to chapter 70.105D RCW; adding a new section to chapter 74.15 RCW; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Water, Energy & Environment.

SB 5126 by Senators Kohl-Welles, Kastama, Roach and Keiser

AN ACT Relating to developing policies, procedures, and mandatory training programs on sexual harassment for all state employees; adding a new section to chapter 41.06 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5127 by Senators Kohl-Welles, Benton, Hargrove, Roach, Prentice, Thibaudeau, Stevens, Fraser and Keiser

AN ACT Relating to services for victims of trafficking of humans; adding a new section to chapter 7.68 RCW; adding a new section to chapter 43.330 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SJM 8000 by Senators Parlette, Morton, Mulliken, Delvin and Sheldon

Supporting the establishment of the Ice Age Floods National Geologic Trail.

Referred to Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

At 12:04 p.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Friday, January 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate